

**From:** Gene Olson  
**To:** Microsoft ATR  
**Date:** 1/23/02 3:25pm  
**Subject:** Microsoft Settlement

In the Microsoft Settlement, the most important provision is the disclosure of Operating System and Middleware APIs, and disclosure of proprietary Communication Protocols.

As stated in the settlement, there are no provisions to require Microsoft to completely and openly publish enough information so that competitive systems (eg OS/2, Linux, WABI, Wine) can effectively emulate these interfaces.

Microsoft is highly motivated to keep these interfaces secret, and their past actions have shown conclusively that they will misrepresent, delay, and litigate endlessly to prevent effective competition in this area.

The only practical remedy to this is to require Microsoft to publish source code for all such software and communication interfaces. History has shown repeatedly that source code analysis is the only universally effective method for publication of such information. This is especially true in cases where the disclosing party has a proven reputation for, and a continuing business interest in, keeping the information secret.

Therefore I object that the judgement against Microsoft cannot be effective or enforceable unless Microsoft is required to provide source code to all Application, Operating System and Middleware APIs and all Communication Protocols.

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